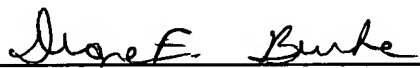


**REMARKS/ARGUMENTS**

This communication responds to the Notice of Non-Compliant Amendment mailed September 16, 2005 regarding Applicants' September 6, 2005 amendment. Although Patent Office records, including published application No. 2005/0200322, include only claims 1-4; the undersigned notes for the record that a review of Applicants' file indicates that the application as filed included claims 1-5. The Fee Transmittal submitted upon filing also indicates that the application included 5 claims. The undersigned's electronic copy and all draft copies of the application include claims 1-5. It is believed that the discrepancy may be the result of a Patent Office scanning error; however, because claim 5 adds no new matter, is fully supported by the disclosure (see application at page 6) and is not narrowing within the meaning of Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 535 US 722, 112 S.Ct. 1831, 152 L.Ed.2d 944, 62 USPQ2d 1705 (2002), Applicants provide herein a corrected listing of claims with the status identifier for claim 5 changed from "original" to "new".

Respectfully submitted,

Date: September 27, 2005

  
\_\_\_\_\_  
Diane E. Burke  
Reg. No. 45,725  
MUELLER AND SMITH, L.P.A.  
Mueller-Smith Building  
7700 Rivers Edge Drive  
Columbus, Ohio 43235-1355  
Tel.: 614-436-0600  
Fax: 614-436-0057  
email: [dburke@muellersmith.com](mailto:dburke@muellersmith.com)

Appln. No. 10/797,858  
Amendment dated September 27, 2005  
Reply to Notice of September 16, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on September 27<sup>th</sup>, 2005  
with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

  
Gail James